



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE AUTHORIZATION TO DEDUCT AMOUNTS FROM ANNUAL GAMING COMPACT PAYMENT IN FISCAL YEAR 2011-2012

#### RESOLUTION 09-06-11A

- WHEREAS,** on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") gives the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(b) of the Constitution grants the Legislature the power to establish Executive Departments, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power; and
- WHEREAS,** Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and
- WHEREAS,** Article V, Section 2(i) of the Constitution authorizes the Legislature to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and
- WHEREAS,** the Nation entered into a Gaming Compact with the State of Wisconsin in 1992 and has amended said Compact at various times over the years, the most recent of which taking place in 2008 (known as the Third Amendment to the Gaming Compact); and
- WHEREAS,** under Paragraph 8 of the Third Amendment to the Gaming Compact, subsections XXXIV.C. 2 through 6 of the Compact were created under the heading of "Credits;" and
- WHEREAS,** subsection XXXIV.C. 2 of the "Credits" provisions allows the Nation to deduct certain amounts from its Annual Payment to the State of Wisconsin under the Compact for public works projects, with certain restrictions, beginning in May 2010; and

#### **Executive Offices**

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**WHEREAS,** in taking this deduction, subsection XXXIV.C.2 requires that the Nation consult with the State regarding which public works projects qualify for the deduction prior to initiating the projects (though the Nation does not need the prior consent of the State); and

**WHEREAS,** the Nation recognizes the need to complete design of the upgrade to the Wazee Wastewater facility in Jackson County, Wisconsin, and identify utility easements on the Nation's lands, in order to benefit both the Nation, its members, and the citizens/residents of Jackson County; and

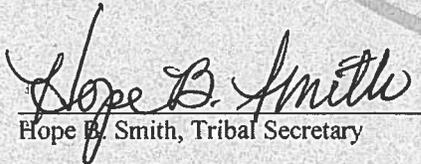
**WHEREAS,** the Legislature finds that the Nation's estimated cost for public works improvements for the design and easement identification related to the upgrades to the Wazee Wastewater facility are \$270,000.00 prior to May, 2012;

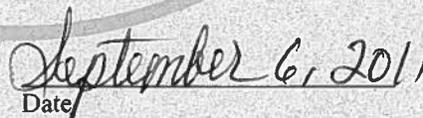
**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority and the terms of the Nation's Gaming Compact, hereby authorizes a Gaming Compact deduction of the Nation's costs associated with the Wazee public project in the amount of (\$270,000.00) from the Nation's Annual Payment to the State;

**BE IT FURTHER RESOLVED** that the Nation, through its Legislature, President, Attorney General, Legislative Counsel, designated counsel and appropriate staff, shall consult with the State of Wisconsin regarding the above public works projects and the Nation's intention to deduct the associated costs from the Tribe's Annual Payment to the State.

#### CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of **13 members** of whom 11 constituting a quorum were present at a meeting duly called and convened and held that on the **6<sup>th</sup> day of September, 2011**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **11 members, 0 opposed, and 0 abstaining**, pursuant to the Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that the foregoing resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

  
Hope B. Smith, Tribal Secretary

  
Date